

3
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
RANDELL PARKER
3820 Herring Road
Arvin, CA 93203
(661)854-1503

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

In the Matter of

V.O. AND CO., INC.,

Debtor.

Case No. 2008-17239-A-7K
DC No. RP-1

Date: October 20, 2010
Time: 9:00 A.M.
Place: Federal Courthouse
2500 Tulare Street, Fresno, CA
/ Judge: Honorable Whitney Rimel

**MOTION FOR ORDER AUTHORIZING TRUSTEE TO SELL PERSONAL PROPERTY AT
PUBLIC AUCTION**

Randell Parker, Chapter 7 Trustee moves this court for an Order Authorizing Trustee to
Sell Personal Property at Public Auction Sale and represents as follows:

1. V.O. And Co., Inc. ("Debtors") converted to Chapter 7 bankruptcy on June 29, 2008.

Randell Parker is the duly qualified, appointed and acting trustee in the case filed by Debtors.

2. The assets of the estate include, but are not limited to, two '98 Isuzu commercial vans,
license plate #5V75351 and #5V75352. According to the Schedules of Assets and Liabilities
filed by Debtors, the assets are owned free and clear of any liens.

3. The Trustee seeks authority to sell the assets at a public auction on or about October
23, 2010, under 11 U.S. C. § 363(b)(1). The court has jurisdiction under 28 U.S.C. § 1334 and 11
U.S.C. § 363. This is a core matter under 28 U.S.C. § 157(b)(2)(A) and (N). The Trustee
believes that selling the assets at public auction will yield the best price obtainable for the assets
under the circumstances of the Chapter 7 case filed by Debtors.

1 4. The assets are currently located at 1731 Art Street, Bakersfield, California. The Trustee
2 is informed that the auction will be conducted at 1731 Art Street, Bakersfield, California.

3 5. In order to expedite the sale of the assets the Trustee entered into an agreement with
4 Jerry Gould of Gould Auction and Appraisal Company, to advertise and manage the auction
5 (“Auctioneer”).
6

7 6. According to the agreement between the Trustee and Auctioneer, the fees for
8 professional services rendered by Gould Auction & Appraisal Company are as follows:

- 9 a. Auctioneer is to receive a commission of 15% (fifteen percent) on the gross
10 proceeds from the sale of the unencumbered assets.
11
- 12 b. Buyer will be charged a \$50.00 document fee .The fee will be paid directly to the
13 Auctioneer.
- 14 c. Auctioneer’s commission will be noticed in the Trustee’s Notice of Hearing on
15 Motion for Order Authorizing Trustee to Sell Personal Property at Public Auction
16 Sale and creditors will be given the opportunity to object to said commission. If
17 no objections are presented at the hearing, the auctioneer will be paid by the
18 Trustee from the proceeds of said auction sale within ten days of receipt of funds
19 from the auctioneer.
20
- 21 d. Auctioneer will be paid \$200.00 for the pick-up and storage of the assets,
22 however Auctioneer will bear the cost of all other ordinary expenses including,
23 but not limited to, security, advertising, and other costs of sale. Auctioneer will be
24 reimbursed for any extraordinary expenses, such as repair work deemed by the
25 Trustee to be necessary and beneficial to the estate, in an amount not to exceed
26 \$500.00. Auctioneer will be reimbursed for any extraordinary expenses in excess
27 of \$500.00 only after approval of the Court.
28
29

1 e. Auctioneer will be responsible for collecting and paying all sales tax in relation to
2 this auction.

3 f. The Trustee has reviewed the \$1,000,000.00 bond provided by the Auctioneer.

4 7. The Trustee believes that the sale of the assets at a public auction sale is in the best
5 interest of all parties concerned because (a) it allows the vehicle to be shown to a wide variety of
6 potential buyers, and (b) it allows the estate to find a buyer and complete the sale in a short
7 period of time.

8
9 8. The details of the compensation of the Auctioneer will be subject to the terms and
10 conditions set forth in the *Application for Order Authorizing Employment of Auctioneer to*
11 *Conduct Public Auction.*

12
13 WHEREFORE, the Trustee prays that:

14 1. The *Motion for Order Authorizing Trustee to Sell Personal Property at Public Auction*
15 filed by Randell Parker, Chapter 7 Trustee be granted;

16 2. He be authorized to sell the assets at public auction pursuant to the terms and
17 conditions set forth in the *Application for Order Authorizing Employment of Auctioneer to*
18 *Conduct Public Auction;*

19 3. He be authorized to pay Gould Auction and Appraisal Company from the proceeds
20 received from the auction sale; and
21

22 4. He be given such other relief as the Court deems just and proper.
23
24
25
26

27 **DATED: September 16, 2010**

/s/ Randell Parker

Randell Parker
Chapter 7 Trustee
3820 Herring Road
Arvin, CA 93203